



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Mark Lee Jr.,
Fire Officer 1 (PM1099V),
Jersey City

CSC Docket No. 2019-2550

Examination Appeal

ISSUED: June 13, 2019 (RE)

Mark Lee Jr. appeals his score for the oral portion of the promotional examination for Fire Officer 1 (PM1099V), Jersey City. It is noted that the appellant passed the subject examination with a final score of 79.840 and his name appears as the 89th ranked eligible on the subject list.

It is noted for the record that this two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 31.35% of the score was the written multiple-choice portion, 22.49% was the technical score for the evolving exercise, 7.53% was the supervision score for the evolving exercise, 4.28% was the oral communication score for the evolving exercise, 19.23% was the technical score for the arriving exercise, 7.53% was the supervision score for the arriving exercise, and 7.59% was the oral communication score for the arriving exercise.

The oral portion of the Fire Officer 1 examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (evolving); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to plan strategies and tactics based upon a building's

structure and condition (arriving). Knowledge of supervision was measured by questions in both scenarios, and was scored for each. For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. For the arriving scenario, a five-minute preparation period was given, and candidates had 10 minutes to respond.

The candidates' responses were scored on technical knowledge and oral communication ability. Prior to the administration of the exam, a panel of Subject Matter Experts (SMEs) determined the scoring criteria, using generally approved fire command practices, firefighting practices, and reference materials. Scoring decisions were based on SME-approved possible courses of action (PCAs) including those actions that must be taken to resolve the situation as presented. For a performance to be acceptable, a candidate needed to present the mandatory courses of action for that scenario. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process.

Candidates were rated on a five-point scale, with 5 as the optimal response, 4 as a more than acceptable passing response, 3 as a minimally acceptable passing response, 2 as a less than acceptable response, and 1 as a much less than acceptable response. For each of the scenes, and for oral communication, the requirements for each score were defined.

For the evolving scenario, the appellant scored a 5 for each component. For the arriving scenario, the appellant scored a 1 for the technical component, a 4 for the supervision component, and a 4 for the oral communication component. The appellant challenges his scores for the technical and supervision components of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The arriving scenario involved a train/pedestrian collision. The pedestrian is sprawled on the road and not moving. She is reported to be deceased by a member of the railroad's company maintenance crew. Some train passengers were thrown forward in the incident and report injuries. Question 1 asked candidates to perform an initial report upon arrival using proper radio protocol. Question 2 asked for specific actions to be taken after the initial report.

For the technical component, the assessor indicated that the appellant failed to indicate that there was a pedestrian struck by a train, which was a mandatory response to question 1, and he failed to ensure that all rail service is shut down on the line/use flaggers, and to confirm the status of the victim on the tracks, which were mandatory responses to question 2. Lastly, he indicated that the appellant missed the opportunity to indicate that there were several victims with injuries,

which was another response for question 1. On appeal, the appellant provides a listing of the actions he took in which he referenced the victim or multiple victims. He also stated that he called for utilities to shut down gas, water and electric, including catenary lines, and he cribbed the train cars.

At the end of every scenario and prior to the questions, instructions state, “In responding to the questions, make sure your actions directly relate to the scenario. Do not assume or take for granted that general actions will contribute to your score.” In his presentation, the appellant did not properly respond to question 1. He began his presentation with, “As the captain of engine 1 my overall objective is the safety of my men so en route I will go over pre-fire plans and CAD printout sheets. Once on scene, I will get a multi-sided view of the accident to see if there’s any victims thrown from the, from the train, um and I will obtain information from other passengers and police officers that may have already been on scene.” This part of the presentation is not a proper response to question 1. He then states, “I’ll notify dispatch and establish command uphill and upwind at Allison Road. I’ll transmit a second and third alarm and request the following resources.” Once a candidate starts requesting resources, they are no longer providing an initial report. In effect, the only pertinent piece of information that the appellant provided in his initial report was establishing and naming his command. His remaining response was not an initial report, but were requests for resources and actions he would take. The appellant cannot receive credit for something that he did not say, and he did not tell dispatch in his initial report that there was a pedestrian struck by a train, or that there were several victims with injuries.

Next, the appellant called for a second and third alarm and various resources. He stated, “The utility company, for gas, water and electric. Most likely the catenary lines will be shut down.” The use of the phrase “utility company, for gas, water and electric” is for residential structures. In this case, as there is only a train, the utility company would be for the train’s gas, water and electric. The appellant states, “most likely the catenary lines will be shut down.” This is not a decisive statement where the appellant is indicating that he is aware that the rail service must be shut down on the line, or flaggers must be used to stop incoming trains, and credit is not awarded for information that is implied or assumed. The appellant requested police for crowd and traffic control, not to be used as flaggers for trains. Later in the presentation, the appellant stated, “Some of the major concerns here are the, you know, live wires may be possible, possible you know, mass victims here.” This response does not support that the appellant was trying to ensure that all rail service was shut down. The appellant stated that he would put out cones, flares and approach the scene at a 45 degree angle. None of these actions will stop a train, but they are appropriate for foot and vehicle traffic.

Towards the end of his response, the appellant repeated information already given, then stated, “We will roll ah, the dash in case anyone is trapped. We will cut, cut the steering wheel. We will have ah cover, cover the victim. We will stabilize the train with cribbing and ah, airbags to ensure no further movement for the safety of everybody around.” This information is confusing, as there was no motor vehicle involved. There is no dash to roll, and it would be an expensive error to cut the steering wheel of a train, if there is one on this train, when the victim is outside of the train. Also, the train is still on the tracks, with no indication of a car that jumped the tracks. Even if one were to have left the tracks, cribbing and air bags will not be sufficient to lift the weight of a train car. He took such actions as diking and damming, although there were no spills in this scenario, and he stretched four hoselines, using the third to wash any chemicals to the dam, and the fourth to protect exposures although there is no fire. He hooked up to Fire Department Connections, which makes no sense as there were no buildings involved. He stated he would enter the area least damaged, when there was no damage to the train. The appellant ignored the facts provided and added his own, and is not properly responding to question 2 in this portion of his response. While he took actions that were not responsive to the scene, he did not take the actions listed by the assessor, including ordering a primary search of the train and confirming the status of the pedestrian. The appellant missed the actions listed by the assessor and his score for this component will not be changed.

The supervision question for the arriving scenario involved a member of the appellant’s crew who has gone missing and is found giving an interview to a local TV crew. The assessor noted that the candidate missed the opportunity to instruct the firefighter to return to his post. On appeal, the appellant states that he sent the firefighter to rehab or assigned him to another task.

In reply, the IC has assigned the candidate and his crew to fire watch as the rail company conducts a safety check on the train. A review of the presentation indicates that he sent the firefighter to rehab or assigned him to another task. While this is not decisive, as the appellant should have chosen one of these actions, neither one of them was to return the firefighter to his post. He missed the action noted by the assessor and his score of 4 for this component is correct.

CONCLUSION

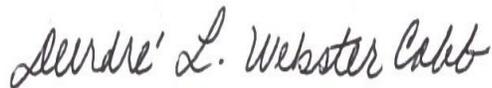
A thorough review of the appellant’s submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12th DAY OF JUNE, 2019



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